

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COLUMBIA DIVISION

JEFFERY LOWE,

Plaintiff,

Case No. 1:18-cv-0027

v.

Judge Campbell
Magistrate Judge Frensley
JURY DEMAND

CALSONIC KANSEI NORTH
AMERICA, INC.

Defendant.

**PLAINTIFF'S DAMAGES EXPERT
DIRECT EXAMINATION PURSUANT TO
LOCAL RULE 39.01(c)(5)(E)**

Pursuant to Local Rule 39.01(c)(5)(E) Plaintiff submits the direct testimony of his economic expert, Dr. Charles Baum II, on the topic of damages. Plaintiff intends to offer Dr. Baum's report, dated August 17, 2021 (attached), into evidence, including the attached curriculum vita. Defendant has stipulated to paragraph 1 of the report and to the admissibility of Dr. Baum's curriculum vita.

Dr. Baum will testify as follows:

I, Charles L. Baum II, Ph.D., am a professor of economics and finance at Middle Tennessee State University. I have a Ph.D. in economics from the University of North Carolina at Chapel Hill and a B.A. in political science from Wake Forest University. My full curriculum vita is provided as Exhibit ____.

I prepared a report of economic damages in this matter. In this report, I provide an analysis of the economic losses from lost earnings and lost employment benefits for Jeffrey Lowe from Mr. Lowe's employment termination on June 9, 2017 from Calsonic Kansei North America, Inc. (CKNA).

According to documents I have reviewed, Mr. Lowe had taxable earnings from CKNA of \$15,727.55 in 2016 and \$394.90 in 2017. Mr. Lowe received employer-provided employment benefits through his employment at CKNA of \$13,540.80 per year in medical insurance, \$63.07 per year in life and accident insurance, \$99.46 per year in long-term disability insurance, and 5 percent of earnings in employer-matching 401k contributions. Mr. Lowe at CKNA contributed \$37.87 per week toward his medical insurance and \$8.76 per week toward his dental insurance.

According to documents I have reviewed, Mr. Lowe had earnings in 2017 from Linepro Striping of \$1,172, earnings in 2018 from H & H Farms of \$812.55, Home Depot of \$177.77, Love's Travel Center of \$714.62 and from Oliver Farms of \$3,870. According to documents I have reviewed, Mr. Lowe had earnings in 2019 from Oliver Farms of \$15,892. According to documents I have reviewed, Mr. Lowe had earnings in 2020 from Oliver Farms of \$4,490 (with business income of -\$307).

It is my understanding Mr. Lowe replaced his medical insurance for himself and his wife at a cost of \$400 per month through January 2019 and at a cost for himself after his wife moved onto insurance through her employer of \$182 per month beginning February 2019. It is my understanding Mr. Lowe replaced his dental insurance at a cost of \$105 per month from September 1, 2017 through February 2020 and at a cost of \$101 per month beginning March 2020.

In this analysis, based on the assumptions, I calculate the economic losses to Mr. Lowe in the form of lost earnings and lost employment benefits as a result of his employment termination from CKNA on June 9, 2017.

The economic losses to Mr. Lowe as a result of his employment termination from CKNA are calculated to range from \$404,914 to \$549,170. The economic loss is a calculation of Mr. Lowe's projected lost earnings and employment benefits after his employment termination from CKNA minus his actual and projected earnings and employment benefits from replacement employment.

In a first scenario, shown in Table 1, the present value of the economic losses from Mr. Lowe's employment termination from CKNA are estimated to be \$442,212. If higher medical and dental insurance costs were not included in the economic losses, then the present value of the economic losses would be \$404,914.

In a second scenario, shown in Table 2, I do not deduct from the economic losses projected replacement earnings and employment benefits after the trial. Otherwise, I use the same methodology and make the same assumptions as in my first scenario. In this second scenario, shown in Table 2, the present value of the economic losses from Mr. Lowe's employment termination from CKNA are estimated to be \$549,170. If higher medical and dental insurance costs were not included in the economic losses, then the present value of the economic losses would be \$511,871.

Respectfully submitted,

/s Heather Moore Collins

Heather Moore Collins BPR # 026099

Anne Bennett Hunter BPR # 022407

Collins & Hunter PLLC

7000 Executive Center Dr., Suite 320

Brentwood, TN 37027

615-724-1996

615-691-7019 FAX

heather@collinshunter.com

anne@collinshunter.com

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2021, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt: Matthew C. Lonergan, John P. Rodgers, Bradley Arant Boult Cummings, 1600 Division Street, Suite 700, Nashville, TN 37203, jroddgers@bradley.com, mlonergran@bradley.com

/sAnne Bennett Hunter

Anne Bennett Hunter